

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,**

Plaintiff,

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent,**

Defendants,

And

LAINY ARMISTEAD,

Defendant-Intervenor.

NOTICE OF APPEAL

Defendant West Virginia Secondary School Activities Commission appeals to the United States Court of Appeals for the Fourth Circuit from the ‘state actor’ and other related determinations related to its summary judgment motion as set forth in Memorandum Opinion and Order entered on January 5, 2023 [ECF No. 512] and the Judgment Order to the extent it finalizes the same determination, entered on January 5, 2023 [ECF No. 513].

**WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION,
By Counsel.**

/s/Roberta F. Green

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And

**LAINIEY ARMISTEAD,
Defendant-Intervenor.**

CERTIFICATE OF SERVICE

I hereby certify that I, Roberta F. Green, have this, the 2nd day of February, 2023, served a true and exact copy of the foregoing “**Notice of Appeal**” with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the following counsel of record:

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